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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: George Edward Berkey, et al.

Serial No: 10/663475

Art Group Unit: 1731

Filing Date: September 15, 2003

Examiner: John M. Hoffman

Title: METHOD FOR TREATING AN
OPTICAL FIBER PREFORM WITH
DEUTERIUM**RESPONSE**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8: I
hereby certify that this paper and any papers referred to herein
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mail, addressed to Mail Stop Amendment, Commissioner of
Patents, Alexandria, VA 22313-1450 on

17 AUG 2006
Joseph M. Homa**RESPONSE TO EXAMINER'S RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action of August 8, 2006, subjecting Claims 1-20 to a restriction requirement, Applicants respond as follows:

Within the Office Action, the Patent Office has required restriction to one of the following inventions:

- Group I. Claims 1 - 19, drawn to a method of forming an optical fiber perform, classified in class 65, subclass 399;
- Group II. Claim 20, drawn to an optical fiber perform, classified in class 428, subclass 428.

The Patent Office asserts that the inventions are distinct, each from the other because of the following reasons: Inventions I and II are related as process of making and product made; the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process; and in the instant case the product can be made by a materially different process, such as where the deuterium is penetrated into prior to (or during) the depositing step.

Applicants (i) elect the invention of a method of forming an optical fiber perform per Group "I" and (ii) request examination of corresponding Claims 1-19.


Applicants reserve the right to pursue other claims, such as Claim 20 drawn to an optical fiber perform, in divisional or continuation applications.

Applicants believe that no extension of time is necessary to make this Response timely. Should Applicants be in error, Applicants respectfully request the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Response timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Joseph M. Homa at 607-974-9061.

Respectfully submitted,

Date: 17 AUGUST 2006



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